



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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May 31, 1991

TO: Mine File

FROM: Lowell P. Braxton, Associate Director, Mining *LMB*

Re: NOV N91-26-5-1, Co-Op Mining Company, Bear Canyon Mine,
ACT/015/025, Folder #5, Emery County, Utah

The above-referenced NOV was issued April 30, 1991, "for failure to provide adequate letter of coverage for coal mining and reclamation operations at the Bear Canyon Mine." The abatement date assigned was May 15, 1991, with no extensions to be granted to the May 15 date.

On May 9, 1991, I was contacted by Carl Kingston who referenced a May 7 letter posted to the Division asking for an extension to June 3, for abatement. Mr. Kingston developed the following rationalization for his extension:

Re-evaluation of the bond amount by Co-Op Mining Company suggested that the existing Letter of Credit might be adequate. An opportunity to confirm this in a meeting during the week of May 13, was requested.

Based on the operator's assertion that the bond was adequate, I supported the extension to June 3, 1991. The operator's May 7 letter clearly asks for the abatement date extension, but does not develop the basis for the request. This memo is designed to document that the telephone call did adequately provide a basis for extension under R614-400-324, although detail is lacking in the letter.

The NOV was modified to the abatement date requested in the May 7 letter. Based on the verbal reasoning that supported modification of the abatement date, and materials submitted by the operator May 14 and 19, it may be necessary to further modify the remedial action portion of the NOV to read: "Substantiate adequacy of approved bond amount or submit bond in the amount approved by the Division on or before the abatement date." If this premise is correct, this action should be done prior to termination of the violation.

vb
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